

DECLARATORY
~~Improvement~~ Res. No. 1070-1961

For the Vacation of the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street.

B.O. 153-161

Resolution Adopted:

Nov. 16, 1961

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

November 27, 1961

B. O. 153-'61

DECLARATORY RESOLUTION NO. 1070-1961

For the Vacation of the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street.

PLANS ORDERED: Sept. 22, 1961

ADOPTED: Nov. 16, 1961

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVER

HEARING ON CONFIRMATION:

CONFIRMED:

ASSESSMENT ROLL ORDERED: Nov. 16, 1961

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: WAIVED

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: November 27, 1961

For the Vacation ~~Opening Condemnation of right of way for utility purposes~~ of the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~vacate the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street, more particularly described as follows:~~

Beginning at the northeast corner of Lot No. 46, Rockhill's Amended Addition to the City of Fort Wayne; thence south along the east line of Lots 46 and 53, Rockhill's Amended Addition, a distance of 314 feet, to the southeast corner of said Lot No. 53; thence east by deflection left of 90 degrees, a distance of 35 feet; thence north by deflection left of 90 degrees, a distance of 314 feet; thence west by deflection left of 90 degrees, a distance of 35 feet, to the point of beginning.

All as shown by a plan of such proposed Vacation ~~Opening Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening Condemnation of right of way for utility purposes~~ is described as follows: Lots 46 and 53, Rockhill's Amended Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

A portion ~~The vacation of the above described~~ ~~street~~ shall be subject to an easement for the ~~use of the~~ ~~City of Fort Wayne, Indiana, and other public utilities for the~~ construction and maintenance of ~~concrete~~ ~~water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits~~

All Streets, lots and lands affected by the above described vacation are situated in the Southwest quarter of Section Two, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 16

DAY OF November 19 61

Attest:

Secretary Board of Public Works.

G. L. Koenigke
W. C. Clegg
R. D. Ward
Board of Public Works.

P E T I T I O N

Fort Wayne, Ind.,

November 13, 1961

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real Lots 42, 43, 44, 45, 46, 53, 54, 55, 56, and 57 of Rockhill's Addition estate on ~~of the City of Fort Wayne, bounded by West Main Street,~~ 7/18/61

~~Van Buren Street, West Berry Street, and Broadway Avenue, and that portion of alley vacated by Declaratory Resolution as shown hereafter respectfully petition for the passage of a resolution providing for the vacation of the following described alley and portion of a street:~~ 52

Parcel No. 1: All that part of the alley in the City of Fort Wayne, Allen County, Indiana, fourteen (14) feet wide, situate between West Main Street and West Berry Street, extending East from the East line of Van Buren Street a distance of two hundred fifteen (215) feet to the portion of said alley heretofore vacated by Declaratory Resolution No. 237-1912 as shown by Plat Book 7A, at Page 1, in the Recorder's office of said County.

Parcel No. 2: A portion of Market Street (now known as Broadway), as laid out and shown on the corrected and revised plat of Rockhill's Addition, in the City of Fort Wayne, recorded in Deed Record "U", at Page 620, in the Recorder's office of Allen County, Indiana, being a strip of land thirty-five (35) feet wide East and West and three hundred fourteen (314) feet long North and South, situate immediately East of and adjoining Lots numbered forty-six (46) and fifty-three (53) in said addition and East of the vacated alley situate between said Lots. 73

In support of this petition your petitioners respectfully show the following:

1. Your petitioners are the owners of the entire block as bounded by the above described streets.
2. The St. Joseph Hospital, its convent, chapel, and various service buildings occupy the entire block owned by your petitioners.
3. No other property owners will be affected by the vacation of the fore-described alley and portion of street.
4. Said described alley and portion of street have not been used for street or alley purposes for approximately fifty (50) years and are not being so used at this time.

Attached to this petition will be found a sketch showing the dimensions and location of the alley and portion of street to be vacated.

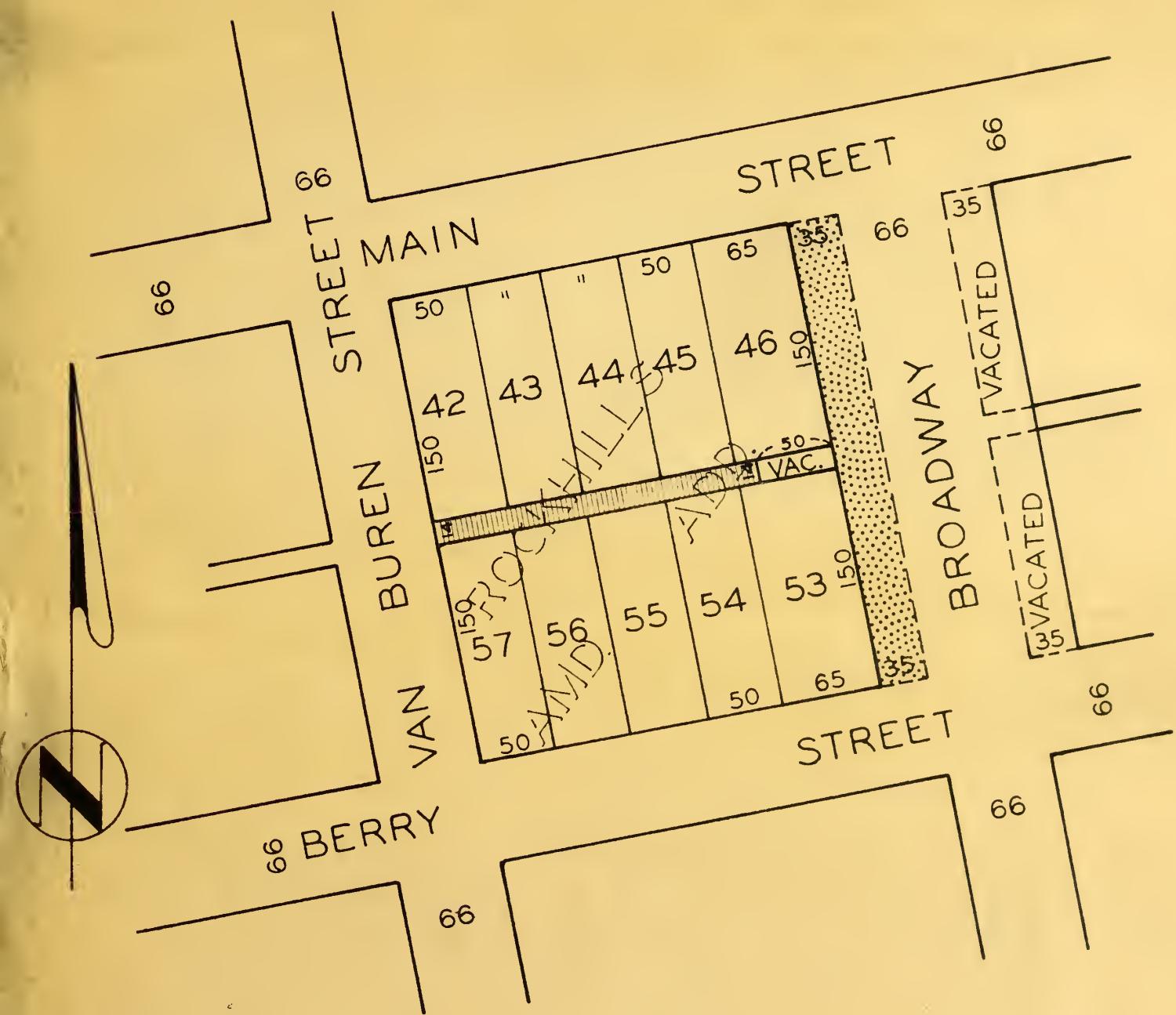
Respectfully submitted,

THE ANCILLA DOMINI SISTERS.
An Indiana Corporation

By

(Henry Hasley) Its Attorney

STREET TO BE VACATED
ALLEY TO BE VACATED



November 27, 1961

Mr. Henry Hasley
507 Strauss Building
Fort Wayne, Indiana

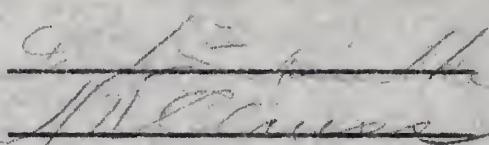
SUBJECT: Declaratory Resolution Nos. 1069-1961 and 1070-1961

Dear Henry:

This has reference to vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof, as per Declaratory Resolution No. 1069-1961; and vacation of the west thirty-five feet of Broadway from the south property line of Main Street to the north property line of Berry Street, as per Declaratory Resolution No. 1070-1961.

Having received a waiver executed by the owner, The Board confirms the assessment roll on the basis of \$1.00 benefit and \$1.00 damage in its regular meeting held today. This will authorize you to proceed with your proposed construction.

Very truly yours,


J. E. Williams

BOARD OF PUBLIC WORKS

PFR: jc
cc: Mayor Burns



FORT WAYNE 2, INDIANA

B. O. 153-161

43-341-5

Date Nov. 16, 1961

To City Engineer

Subject Dec. Res. No. 1070-1961

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
H. N. Clauss
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

Signed

Reply:

November 22, 1961

43-358-10

NOTED

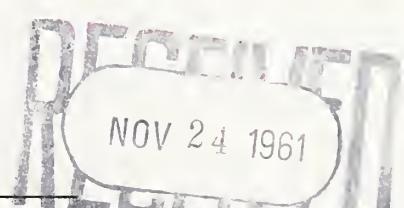
P.F.R.
 C.C.
 L.W.

Date 11/27/61

Assessment roll of benefits and damages completed and attached.

Edward Green
Edward Green
City Engineer

DEB:ld
attachs.



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

B. O. 153-'61

43-341-5

Nov. 16, 1961

City Engineer

Dec. Res. No. 1070-1961

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke

H. N. Clauss

Berkeley Ward

BOARD OF PUBLIC WORKS

ic

attach Res. & P. O. List

cc: Mayor Burns



FORT WAYNE 2, INDIANA

43-262-10

B. O. 153-'61

Date Sept. 22, 1961

To City Engineer

Subject VACATION - Broadway

Received petition for the Vacation of the west 35 feet of Broadway from the south property line of Main Street to the north property line of Berry Street.

Prepare an Opinion after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed _____

NOTED
 P.F.R.
 H.N.C.
 B.W.

Reply: 1070

Date 10/16

November 13, 1961

Declaratory Resolution, drawing and property ownership list completed and attached.

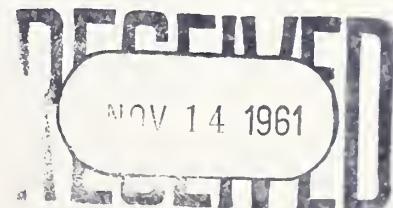
The petitioner signed an easement grant for Northern Indiana Public Service Co., the only Utility requiring an easement.

Also, it will not be necessary to hold a public hearing on this resolution as we have obtained a signed waiver which is attached.

There is no objection to this vacation from an engineering standpoint.

Edward Green
Edward Green,
City Engineer

DEB/is
attachs.



Signed _____

43-262-10

Sept. 22, 1961

B. O. 153-'61

City Engineer

VACATION - Broadway

Received petition for the Vacation of the west 35 feet of Broadway from the south property line of Main Street to the north property line of Perry Street.

Prepare an Opinion after conferring with all Governmental Agencies and Utilities.

Paul F. Noembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the proposed vacation of a street described as follows, to wit:

The vacation of the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street, more particularly described as follows:

Beginning at the northeast corner of Lot No. 46, Rockhill's Amended Addition to the City of Fort Wayne; thence south along the east line of Lots 46 and 53, Rockhill's Amended Addition, a distance of 314 feet, to the southeast corner of said Lot No. 53; thence east by deflection left of 90 degrees, a distance of 35 feet; thence north by deflection left of 90 degrees, a distance of 314 feet; thence west by deflection left of 90 degrees, a distance of 35 feet, to the point of beginning,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. 1070, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 31st day of October, 1961.

THE ANCILLA DOMINI SISTERS,
An Indiana Corporation

Lots 46 and 53, Rockhill's Amended Add.

By Henry Hasley
(Henry Hasley) Its Attorney

RECEIVED
JAN 9 1962

January 9, 1962

Mr. John Barth
Northern Indiana Public Service Company
114 East Wayne Street
Fort Wayne, Indiana

Dear Mr. Barth:

A signed easement grant is attached in connection with Declaratory Resolution No. 1070-1961 which provides for the vacation of the west thirty-five (35) feet of Broadway from the south property line of Main Street to the north property line of Berry Street.

Per our past agreement, please have this grant recorded and furnish the City with two copies of same. Do not hesitate to contact us if we can be of further service in this matter.

Very truly yours,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:ld

encl.

cc: Mayor Paul M. Burns
Board of Public Works ✓
(B.O. #153-1961)

City of Fort Wayne



2

OFFICE OF
CITY PLAN COMMISSION

FORT WAYNE 2, INDIANA

October 30, 1961

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office

Dear Mr. Bodeker:

We have reviewed the proposed vacation of the east-west alley between Van Buren Street and Broadway and the 35-foot strip along the west side of Broadway between Main Street and Berry Street and have no particular objection to these vacations for the following reasons:

1. The alley serves no particular purpose from the standpoint of the circulation of traffic.
2. The east 50 feet of the alley is presently vacated causing a dead-end situation which this proposed vacation would eliminate.
3. The west 35 feet of Broadway serves no useful purpose from the standpoint of the circulation of traffic since, for the most part, Broadway is limited to a 66 foot right of way in this general area.

For the above described reasons, it is our recommendation that the alley and portion of street be vacated.

Sincerely,

CITY PLAN COMMISSION

William J. Jones
William J. Jones
Planning Director

WJJ:mo

1070

October 23, 1961

William J. Jones
Planning Director

James T. White
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacations:

The Vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 215 feet east thereof

The Vacation of the west 35 feet of Broadway from the south property line of Main Street to the north property line of Berry Street

Donald E. Bodeker

Donald E. Bodeker
Office Engineer

DEB:ld
attach.

cc: Mayor Paul M. Burns
Board of Public Works
(Board Order No. 152-1961 and No. 153-1961, respectively)

October 23, 1961

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition for the following:

The Vacation of the alley between Main Street and Berry Street from the east property line of Van Buren Street to a point 213 feet east thereof

The Vacation of the west 35 feet of Broadway from the south property line of Main Street to the north property line of Berry Street

Please check your basement requirements on the enclosed post card and return it to us as soon as possible.

Very truly yours,

Donald J. Bedeker
Office Engineer

DMB:ld
encl.

cc: Mayor Paul M. Burns
Board of Public Works
(Board Order No. 152-1961 and No. 153-1961, respectively)

1070

DECLARATORY

Improvement Resolution No. 1070-1961 For The Vacation Of The West Thirty-Five (35) Feet Of

BROADWAY FROM THE SOUTH PROPERTY LINE OF MAIN STREET TO THE NORTH PROPERTY LINE OF BERRY STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	ANCILLA DOMINI SISTERS	c/o Henry Haag 507 Stevens Bldg.		46 1/2 Vac.	ALLEY		ROCKHILLS AMD. ADD.
2	" "	"		53 1/2 Vac.	ALLEY		
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1070 11-13-61

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